

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

DATE: JUN 11 2002

SUBJECT: Request for Attorney Assigned to Dayco/L.E. Carpenter
Superfund Site, Wharton Borough, New Jersey

FROM: Carole Petersen, Chief
New Jersey Remediation Branch



TO: Delmar Karlan, Chief
Office of Regional Counsel

This memorandum is to request the assignment of an attorney for the Dayco/L.E. Carpenter Superfund Site, Wharton Borough, New Jersey, to help determine the appropriate way to address the NJDEP's request to modify the selected ROD remedy.

A brief summary of the Dayco/L.E. Carpenter site activities are as follows. It is a DEP PRP lead site. A ROD was signed in 1994, which called for the delineation, excavation and off-site disposal of lead hot spots above the 600 ppm clean-up level. In addition, the ROD outlined the remedial strategy for two separate free-product LNAPL areas. The wording pertaining to these two areas states that groundwater contamination will be remediated by biological treatment after the free-product LNAPL has first been removed and addressed.

Since 1994, site activities have progressed slowly and piecemeal, with phased RDs and RAs for each of the three separate source areas. In addition, several times the PRP has informally requested that the DEP consider modifying the remedy with respect to soils, from excavation and off-site removal to an on-site cap, because the PRP's contractors encountered more lead than originally anticipated. In July 2001, the EPA and DEP representatives met on-site with Congressman Frelinghuysen. The congressman requested that all parties find ways to expedite the schedule. The parties agreed to have a final RD/RA schedule outlined by July 2002. Since then, the PRP and Wharton Borough have been in negotiations to sell the property for a nominal price. Presently, the PRP wants to cap the lead contaminated soil areas and excavate the two VOC areas before turning the property over to the township.

Wharton Borough is planning to develop the property as a location for a new municipal building, parking lot and road. The PRP and Wharton Borough want the cleanup addressed in an expedited manner.

346497



At this point we are requesting the involvement of ORC to help determine the correct course with respect to considering the modification of the ROD remedy via an ESD or ROD amendment. As mentioned above, the DEP, Wharton Borough and local elected officials, are requesting that the RD/RA schedule for completion be outlined by July 2002.

Your assistance is greatly appreciated. Thank you.

Enclosure

cc: Kim O'Connell, SNJRS
Stephen Cipot, SNJRS